

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

)	
CAPITOL RECORDS, INC.,)	
a Delaware corporation, <i>et al.</i> ,)	Case No. 06-1497 (MJD/RLE)
)	
Plaintiffs,)	PLAINTIFFS' MOTION TO
)	WITHDRAW NOTICE OF APPEAL
v.)	
)	
JAMMIE THOMAS,)	
)	
Defendant.)	
)	

Plaintiffs respectfully move to withdraw their notice of appeal and state as follows:

1. On October 14, 2008, Plaintiffs filed a Motion to Certify September 24 Order for Interlocutory Appeal and for Stay of Proceedings Pending Appeal. (“Motion,” Doc. No. 198.) Consistent with the Federal Rules of Civil Procedure and Appellate Procedure, it was Plaintiffs’ intent that, should the motion be granted, they would file a notice of appeal and bring an appeal to the U.S. Court of Appeals to the Eighth Circuit.
2. On December 23, 2008, the Court issued an Order denying Plaintiffs’ Motion. (“Order,” Doc. No. 211.)
3. Because the Court has denied Plaintiffs’ request for interlocutory appeal, Plaintiffs will not bring an appeal at this time. Therefore, in order to avoid any confusion as to their intention at this time, Plaintiffs respectfully request that to the extent their Motion is or was deemed to constitute a notice of appeal, such notice is hereby withdrawn.

Respectfully submitted this 12th day of January 2009.

/s/ Timothy M. Reynolds

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